

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of	: Annapragada, et al.	Examiner	: Perreira, Melissa Jean
Application No.	: 10/830,190	Group Art	: 1618
Filing Date	: 21 April 2004	Docket No.	: 27428-4
Confirmation No.	: 7714		
Title	: Compositions and Methods for Enhancing Contrast in Imaging		

Mail Stop Appeal Brief - Patents  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Dear Sir/Madam:

This Response to Notification of Non-Compliant Appeal Brief is submitted in response to the April 22, 2008 Notification of Non-Compliant Appeal Brief (the "Notification"). The Notification set a shortened statutory period for response of one month. This Response is filed on April 30, 2008, and, thus, this Response is timely filed. In compliance with 37 C.F.R. 41.37(c)(1)(iii), Applicant hereby submits the following amended statement of the status of all claims.

### **III. STATUS OF CLAIMS**

#### **A. The status of the claims in the application:**

1. Claims 1-4, 6-11, 25, and 27-33 stand rejected under 35 U.S.C. 103(a) as being obvious over Torchilin et al. (Biochim. Biophys. Acta 1996, 1279, 75-83) ("Torchilin") in view of Payne et al. (U.S. Patent No. 4,744,989) ("Payne") and further in view of Sachse et al. (Invest. Radiol. 1997, 32, 44-50) ("Sachse") or Leike et al. (Invest. Radiol. 2001, 36, 303-308) ("Leike").
2. No basis for rejection was given for claim 26, although Form PTOL-326 of the Non-Final Office Action mailed November 21, 2007 (hereinafter the "Non-Final Office Action," Section IX, Evidence Appendix, Tab A) indicates that claim 26 stands rejected.
3. Claims 5 and 12-24 stand canceled.

#### **B. The claims on appeal:**

Claims 1-4, 6-11, and 25-33 are on appeal (see Section VIII, Claims Appendix).

**CONCLUSION**

No fees are believed to be due with this Response. If additional fees are due in connection with this Response, the Commissioner is authorized to charge Deposit Account No. 02-2051, identifying Docket No. 27428-4.

Respectfully submitted,

Dated: April 30, 2008

By: /s/Benjamin E. Kern  
Benjamin E. Kern  
Reg. No. 56,391

BENESCH, FRIEDLANDER,  
COPLAN & ARONOFF, LLP  
41 South High Street, Suite 2600  
Columbus, Ohio 43215-3506  
(614) 223-9374